

FILED

JUL 19 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE SANTIAGO SANDOVAL-
MARTINEZ

Defendant.

No. CR-10-00539 DLJ (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Jose Santiago Sandoval-Martinez is charged in an indictment with illegally re-entering the United States, in violation of 8 U.S.C. § 1326. On July 16, 2010, the United States moved for Mr. Sandoval-Martinez's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Sandoval-Martinez did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the July 19, 2010, hearing before this Court, Mr. Sandoval-Martinez waived his right for now to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f)

DETENTION ORDER
CR 10-00539-DLJ (DMR)

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Pretrial Services

1 hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse
2 witnesses, and to present information by proffer or otherwise), but he retained his right to raise
3 any additional relevant information at a later hearing. The Court also notes that Mr. Sandoval-
4 Martinez is subject to an immigration detainer issued by Immigration and Customs Enforcement
5 ("ICE").

6 After considering the limited information available to the Court, and the factors set forth
7 in 18 U.S.C. § 3142(g), the Court detains Mr. Sandoval-Martinez as a serious risk of flight and
8 finds that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably
9 assure his appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*,
10 767 F.2d 1403, 1406 (9th Cir. 1985).

11 II. CONCLUSION

12 The Court detains Mr. Sandoval-Martinez as a serious flight risk. Because Mr. Sandoval-
13 Martinez waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to
14 raising relevant information at a later hearing, the Court orders that the hearing may be reopened
15 at Mr. Sandoval-Martinez's request at any future time.

16 Mr. Sandoval-Martinez shall remain committed to the custody of the Attorney General.

17 IT IS SO ORDERED.

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20 DATED: July 19, 2010



DONNA M. RYU
United States Magistrate Judge